

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

SIMPLIVITY CORPORATION,

Plaintiff,

v.

SPRINGPATH, INC.,

Defendant.

C.A. NO. 4:15-cv-13345-TSH

**DEFENDANT SPRINGPATH, INC.'S MOTION TO TAKE JUDICIAL NOTICE OF  
HEARING TRANSCRIPT PURSUANT TO FEDERAL RULE OF EVIDENCE 201**

Pursuant to Federal Rule of Evidence 201, Defendant Springpath, Inc. (“Springpath”) respectfully moves this Court to take judicial notice of the transcript of the January 26, 2016 Motion Hearing before this Court on Springpath’s Motion to Dismiss Plaintiff’s First Amended Complaint, which is attached as Exhibit A to the Declaration of Anant Saraswat, Esq. in Support of Defendant Springpath, Inc.’s Motion to Dismiss Plaintiff’s Second Amended Complaint Pursuant to Federal Rule of Civil Procedure 12(b)(6), filed concurrently herewith. As set forth in the accompanying Memorandum of Law, the transcript is a court record and therefore subject to judicial notice.

WHEREFORE, Springpath respectfully requests that the Court GRANT this Motion to take judicial notice.

Dated: February 26, 2016

Respectfully Submitted,

/s/ Louis W. Tompros

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*Counsel for Defendant Springpath, Inc.*

**RULE 7.1(A)(2) CERTIFICATION**

Pursuant to Local Rule 7.1(A)(2), I hereby certify that on February 25, 2016, counsel for Springpath conferred with counsel for Plaintiff SimpliVity Corporation in a good faith effort to resolve or narrow the issues presented in the foregoing motion. Counsel for SimpliVity advised that they oppose this motion.

/s/ Anant Saraswat

Anant Saraswat

**CERTIFICATE OF SERVICE**

I, Anant Saraswat, hereby certify that a true copy of the attached was served upon the attorney of record for each other party through the Court's CM/ECF system on February 26, 2016.

/s/ Anant Saraswat

Anant Saraswat